

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

EMERICA GARCIA, *et al*,

Plaintiffs,

VS.

A CONTRERAS, *et al*,

Defendants.

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CIVIL ACTION NO. C-07-359

**ORDER FOR PLAINTIFFS TO APPEAR AT SCHEDULED DEPOSITIONS AND
FINDING UNANSWERED REQUESTS FOR ADMISSIONS DEEMED ADMITTED**

A telephone conference was held this day between Plaintiffs, Emerica and Gloria Garcia ("Plaintiffs"), and Defendants, the City of Kingsville and certain individual City of Kingsville police officers ("Defendants"). The conference was necessitated by the failure of Plaintiffs to appear at their depositions that were scheduled to take place today Wednesday, July 30, 2008 at 10:30 A.M. for Mr. Garcia, and 11:30 A.M. for Mrs. Garcia.

Counsel for Defendants, Mr. Jim McKibben, stated that he had sent Notice of the Depositions to Plaintiffs on July 18, 2008. Plaintiffs did not appear at the depositions, nor did they file a timely objection to the depositions. Instead, Mr. McKibben received today by facsimile an objection to the depositions, submitted by a Mr. Donald Hull. Mr. Hull purports to be an attorney, however he insists that he is not representing Plaintiffs, but only assisting them in the prosecution of their claims.¹

¹ In fact. Mr. Hull is not admitted to the Texas State Bar, let alone to the Southern District of Texas. Mr. McKibben has been instructed to report Mr. Hull's actions to the State Bar.

The Court hereby finds that Plaintiffs received timely notice of the scheduled depositions and willfully failed to appear without valid objection. Accordingly, it is

ORDERED that Plaintiffs Emerica and Gloria Garcia appear at the City of Kingsville Recycling Center, 202 W. Lee Ave., Kingsville, TX 78364, on **Thursday, July 31, 2008 at 10:30 A.M.** for the taking of their depositions. Plaintiffs' depositions will be taken by Counsel for Defendants.

It is further


ORDERED that Defendants' Requests for Admissions that were sent to Plaintiffs in March, 2008 are **DEEMED ADMITTED**. Counsel for Defendants shall file a copy of the Deemed Admissions with the Court.

It is further

ORDERED that Plaintiffs shall respond in writing to Defendants' Interrogatories and shall serve a copy of their written responses on Counsel for Defendants, Jim McKibben, at his office, **by no later than 1:00 P.M. on Monday, August 4, 2008.**

Plaintiffs are advised that failure to respond as ordered herein may result in dismissal of their lawsuit for failure to obey Court orders and/or failure to prosecute their case. See Fed. R. Civ. P. 41(b).

SIGNED and ORDERED this 30th day of July, 2008.


Janis Graham Jack
United States District Judge